

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,
PLAINTIFF

vs.

CASE NO: 2:05 CR 137-F

GEORGE DAVID SALUM, III,
DEFENDANT.

MOTION TO PROCEED IN FORMA PAUPERIS

George D. Salum, III, Defendant/Appellant in the above-entitled action moves to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 in the above-entitled action. The Defendant/Appellant has filed a notice of appeal, he cannot pay any court costs, he is indigent, and he cannot hire an attorney to represent him in the appeal. The Defendant/Appellant believes that he is entitled to relief, and as grounds for the motion, the Defendant/Appellant would show this Court that:

1. The Defendant was indicted by a Federal Grand Jury for the felony offenses of obstruction of justice and computer fraud. In November 2005, the Defendant proceeded to jury trial where he was convicted on both counts of the indictment.

2. On February 1, 2006, this Court entered an order regarding the appointment of a public defender to represent the Defendant in all further proceedings. On February 7, 2006, the Defendant, George D. Salum, III filed with this Court a CJA 23 financial affidavit stating that he was indigent and that could not hire an attorney to represent him.

3. On February 7, 2006, this Court entered an order finding the Defendant indigent and that he qualified for the services of the Federal Public Defender or for an attorney to represent him pursuant to the Criminal Justice Act. An attorney was appointed to represent him pursuant to the Criminal Justice Act.

4. On February 23, 2007, the Defendant appeared with his attorney before this Court for sentencing. The Court sentenced the Defendant to serve thirty (30) months of incarceration in a federal prison.

5. The Defendant is incarcerated.

6. Upon information and belief, the undersigned attorney has a good faith belief that the Defendant remains indigent and that his financial circumstances have not changed since he filed with this Court his financial affidavit on February 7, 2006.

7. The Court has reviewed a Pre-Sentence Report that indicates the Defendant is indigent.

8. The Defendant has filed a notice of appeal to the Eleventh Circuit Court of Appeals, appealing the judgment and conviction of this Court. The Defendant remains indigent.

WHEREFORE, based upon the above stated reasons the Defendant respectfully moves this Court to grant this motion and to appoint him counsel to represent him in his appeal to the Eleventh Circuit Court of Appeals.

s/Donald M. Sheehan

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